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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 4492 of 2007

PETITIONER : M/s. Kothari Panels, (A Partnership Firm), Birgaon, Raipur, Through its Partner, Raj D.Kothari, S/o D.M.Kothari, Aged about 39 years, R/o E-2, Farishta Complex, Rajbandha Maidan, Raipur, District – Raipur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through the Secretary, Forest Department, DKS Bhawan, Raipur, Dist: Raipur – (C.G.)

2. The Divisional Forest Officer, Raipur Forest Division, District Raipur (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUITON OF INDIA

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Kashif Shakeel, Advocate for the petitioner.
Shri S.K.Mishra, Panel Lawyer for the State/respondents.

ORDER

(Passed on 14th day of November, 2007)

1. Learned counsel appearing for the petitioner submits that the impugned order dated 29.06.2007 has been passed by the respondent No. 2, Divisional Forest Officer, Raipur Division, in exercise of its power under section 12 of the Madhya Pradesh Kashtha Chiran (Viniyaman) Adhiniyam, 1984 (hereinafter referred to as "the Adhiniyam, 1984"). Learned counsel further submits that the Divisional Forest Officer has exercised its power wrongly as according to Annexure P/3, the concerning unit is not a saw mill but Veneer Peeling Machine Unit.

2. Be that as it may, without expressing any opinion on merits of the case, there is an availability of statutory appeal under section 12(4) of the Adhiniyam, 1984 against any order passed by the forest officer.

3. Thus, in view of the fact that an effective statutory alternative remedy is available, this petition is not maintainable and is accordingly dismissed. However, liberty is reserved to the petitioner to take recourse to statutory remedy of appeal as provided under the provisions of the Adhiniyam, 1984.

4. In the event, an appeal is preferred by the petitioner under the provisions of Adhiniyam, 1984, the period spent in the High Court may be considered for condonation of delay.

Sd/-
Satish K. Agnihotri
Judge

Amit